

**BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE,
OFFICE OF THE MONTANA STATE AUDITOR**

IN THE MATTER OF DANAE INGRID WISEMAN, Respondent.	Case No. INS-2021-458 FINAL AGENCY ACTION AND DEFAULT ORDER
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One December 23, 2021, Legal Counsel for the Montana Department of Insurance (hereinafter “the Department”) served a Notice of Proposed Agency Action (hereinafter “NOPAA”) on Danae Ingrid Wiseman (hereinafter “Respondent”) by Certified Mail, which was delivered to Respondent on December 27, 2021. A copy of the U.S. Postal Service receipt and delivery tracking confirmation is attached to this Order and marked as Exhibit A. A copy of the NOPAA is attached to this Order and marked as Exhibit B. The NOPAA provided Respondent an opportunity for an administrative hearing to contest the Department’s proposed action if requested within 24 days of her receipt of the NOPAA, making the deadline for Respondent to request an administrative hearing no later than January 20, 2022.

Respondent has failed to request an administrative hearing. The Commissioner of Insurance (hereinafter “Commissioner”) considered the allegations, evidence and exhibits and makes the following determinations:

FINDINGS OF FACT

1. On December 30, 2020, Respondent’s automobile liability policy (hereinafter “policy”) issued by Progressive Northwestern Insurance Company (hereinafter “Progressive”) lapsed for non-payment of premium.

2. The aforementioned Progressive policy was eligible for renewal if payment was made by January 28, 2021, with a lapse in coverage between December 30, 2020 and the date/time of the renewal payment.

3. Sometime before 12:58 p.m. on Friday, January 22, 2021, Respondent was driving her 2010 Ford F-150 (hereinafter “truck”) in or around Plevna, Montana when she collided with a deer, causing damage to her truck.

4. At the time of the aforementioned collision, Respondent did not have any policy in effect for her truck.

5. On or about 1:00 p.m. on Friday, January 22, 2020, Respondent went to her insurance agent’s office in Baker, Montana and paid \$500.00 to renew her Progressive policy.

6. On or about 1:07 p.m. on Friday, January 22, 2020, Respondent took her truck to Baker Body Shop in Baker Montana to obtain a repair estimate for the damage to her truck from the aforementioned collision. The repair cost was estimated to be \$2,407.23.

7. On January 28, 2021, Respondent’s insurance agent called Progressive to initiate a claim for the aforementioned collision. In that recorded telephone call, the insurance agent told Progressive that Respondent’s collision with a deer occurred around 5:30 p.m. on Saturday, January 23, 2021.

8. On February 3, 2021, Respondent called Progressive about her claim. In that recorded telephone call, Respondent confirmed that her collision with a deer occurred around 5:30 p.m. on Saturday, January 23, 2021 while she was on her way home from the grocery store.

9. On February 9, 2021, Respondent again called Progressive about her claim. In that unrecorded telephone call, Respondent told Progressive that the collision with a deer occurred around 5:30 on Friday, January 22, 2021, while she was on her way home from the grocery store

and later on the same day that she had gone to her insurance agent's office to renew her Progressive policy. Respondent also told Progressive that she took her truck to the body shop for a repair estimate on Monday or Tuesday of the week after the collision.

10. When a Progressive representative told Respondent that the body shop confirmed that she took her truck in for a repair estimate on Friday, January 22, 2021, Respondent denied that was what happened.

11. Since February 9, 2021, Respondent has made no further statement(s) to Progressive or to the Department's investigator.

CONCLUSIONS OF LAW

12. The Commissioner has jurisdiction over the Respondent and the alleged violations pursuant to Mont. Code Ann. § 33-1-101 *et seq.*

13. The Commissioner administers the Montana Insurance Code to protect insurance consumers pursuant to Mont. Code Ann. § 33-1-311.

14. A person commits the act of administrative or civil insurance fraud when the person . . . for the purpose of obtaining any money or benefit, presents or causes to be presented to any insurer . . . any written or oral statement . . . containing false, incomplete or misleading information concerning any fact or thing material to, as part of, or in support of a claim for payment or other benefit pursuant to an insurance policy. Mont. Code Ann. § 33-1-1202.

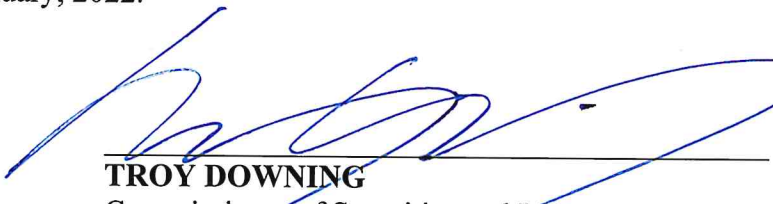
15. Upon a determination that a person has violated the Montana Insurance Code, the Commissioner has authority to fine such person up to \$25,000 per violation pursuant to Mont. Code Ann. § 33-1-317.

ORDER

THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that Respondent shall pay a fine of \$1,000 to the State of Montana within 30 days of the date of this Order. Payment must be made by check or money order payable to "The State of Montana" and mailed/delivered to:

Commissioner of Securities and Insurance
Office of the Montana State Auditor
Attn: Tiffany Hoffman, Paralegal
840 Helena Avenue
Helena, MT 59601

DATED this 26th day of January, 2022.


TROY DOWNING
Commissioner of Securities and Insurance
Office of the Montana State Auditor

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Total \$	\$ 8.11

Danae Ingrid Wiseman
113 Callin Avenue
P.O. Box 115
Plevna, MT 59344

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RICHARD E. WOOTTON

Legal Counsel

Commissioner of Securities and Insurance,

Office of the Montana State Auditor

840 Helena Avenue

Helena, MT 59601

Phone: (406) 444-5234

Fax: (406) 444-3499

Email: Richard.Wootton@mt.gov

Attorney for the Montana Department of Insurance

**BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE,
OFFICE OF THE MONTANA STATE AUDITOR**

IN THE MATTER OF

DANAE INGRID WISEMAN,

Respondent.

Case No. INS-2021-458

**NOTICE OF PROPOSED AGENCY
ACTION AND OPPORTUNITY FOR
HEARING**

TO: Danae Ingrid Wiseman
113 Callin Avenue
P. O. Box 115
Plevna, MT 59344



The Montana Department of Insurance (hereinafter “the Department”) has cause to believe that Danae Ingrid Wiseman (hereinafter “Respondent”) has violated the Montana Insurance Code, as set forth below. The Department proposes that the Montana State Auditor, in his ex officio capacity as Commissioner of Insurance (hereinafter “Commissioner”), levy a \$1,000.00 fine against Respondent. The Commissioner has the authority to undertake this action pursuant to the Montana Insurance Code, § 33-1-101 *et seq.*

Respondent’s acceptance of the proposed penalty will resolve this matter and it will be deemed a Final Agency Action based on the facts alleged and applicable law set out below. If Respondent chooses not to accept the penalty, Respondent may demand an administrative hearing;

that demand must be in writing and must be received by the Commissioner within 24 days of the date of this Notice, as described in the Statement of Rights below.

FACTUAL ALLEGATIONS

1. On December 30, 2020, Respondent's automobile liability policy (hereinafter "policy") issued by Progressive Northwestern Insurance Company (hereinafter "Progressive") lapsed for non-payment of premium.

2. The aforementioned Progressive policy was eligible for renewal if payment was made by January 28, 2021, with a lapse in coverage between December 30, 2020 and the date/time of the renewal payment.

3. Sometime before 12:58 p.m. on Friday, January 22, 2021, Respondent was driving her 2010 Ford F-150 (hereinafter "truck") in or around Plevna, Montana when she collided with a deer, causing damage to her truck.

4. At the time of the aforementioned collision, Respondent did not have any policy in effect for her truck.

5. On or about 1:00 p.m. on Friday, January 22, 2020, Respondent went to her insurance agent's office in Baker, Montana and paid \$500.00 to renew her Progressive policy.

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9. On February 9, 2021, Respondent again called Progressive about her claim. In that unrecorded telephone call, Respondent told Progressive that the collision with a deer occurred around 5:30 on Friday, January 22, 2021, while she was on her way home from the grocery store and later on the same day that she had gone to her insurance agent's office to renew her Progressive policy. Respondent also told Progressive that she took her truck to the body shop for a repair estimate on Monday or Tuesday of the week after the collision.

10. When a Progressive representative told Respondent that the body shop confirmed that she took her truck in for a repair estimate on Friday, January 22, 2021, Respondent denied that was what happened.

11. Since February 9, 2021, Respondent has made no further statement(s) to Progressive or to the Department's investigator.

APPLICABLE LAW

12. The Commissioner has jurisdiction over the Respondent and the alleged violations pursuant to Mont. Code Ann. § 33-1-101 *et seq.*

13. The Commissioner administers the Montana Insurance Code to protect insurance consumers pursuant to Mont. Code Ann. § 33-1-311.

14. A person commits the act of administrative or civil insurance fraud when the person . . . for the purpose of obtaining any money or benefit, presents or causes to be presented to any insurer . . . any written or oral statement . . . containing false, incomplete or misleading information

concerning any fact or thing material to, as part of, or in support of a claim for payment or other benefit pursuant to an insurance policy. Mont. Code Ann. § 33-1-1202.

15. Upon a determination that a person has violated the Montana Insurance Code, the Commissioner has authority to fine such person up to \$25,000 per violation pursuant to Mont. Code Ann. § 33-1-317.

PROPOSED AGENCY ACTION

WHEREFORE, the Department proposes that the Commissioner impose a fine of \$1,000 against Respondent.

STATEMENT OF RIGHTS

Respondent is entitled to contest the Department's proposed action by requesting an administrative hearing. To do so, within 24 days of receipt of this Notice of Proposed Agency Action and Opportunity for Hearing, a request for a hearing must be submitted in writing to Richard E. Wootton, 840 Helena Avenue, Helena, MT 59601 or via email to Richard.Wootton@mt.gov. Any request for a hearing must specify the Respondent's grounds relied upon as a basis for the relief sought in the hearing. A request for a hearing may also include the Respondent's response(s) to the factual allegations set forth above. If a hearing is requested, the Respondent will be given notice of the time, place, and nature of the hearing. The Respondent will be entitled to attend this hearing and respond and present evidence and arguments on all issues involved in this action.

Administrative hearings are conducted by an impartial hearing examiner appointed by the Commissioner under the provisions of the Montana Administrative Procedures Act. Formal proceedings may be waived pursuant to Mont. Code Ann. § 2-4-603. Respondent has the right to be represented by an attorney at any and all stages of this proceeding.

CONTACT WITH COMMISSIONER'S OFFICE

Please contact Richard E. Wootton, Legal Counsel for Department, at 406-444-5234 or at Richard.Wootton@mt.gov with any questions regarding this action. If an attorney represents the Respondent, please make any contact with the Department through that attorney.

POSSIBILITY OF DEFAULT

Failure to timely provide a written hearing request shall result in the entry of a default order imposing the Department's proposed action, without additional notice to Respondent, pursuant to Admin. Rule Mont. 1.3.214.

DATED this 23rd day of December, 2021.

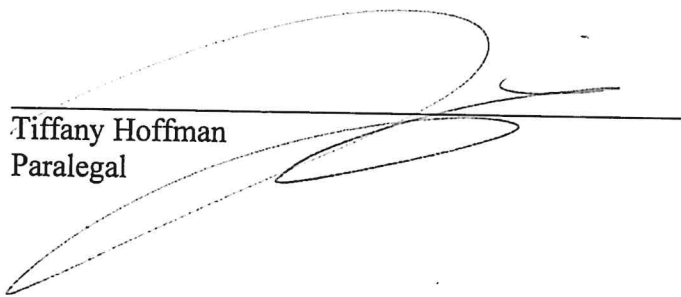


Richard E. Wootton, Legal Counsel

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 23rd day of December, 2021, a true and correct copy of the foregoing Notice of Proposed Agency Action and Opportunity for Hearing was served upon the following by Certified U. S. Mail:

Danae Ingrid Wiseman
P. O. Box 115
Plevna, MT 59344



Tiffany Hoffman
Paralegal